

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68477 of 2019

Arising Out of PS. Case No.-628 Year-2019 Thana- ALAMGANJ District- Patna

Bittu Kumar S/O Bharat Saw R/o Mohalla- Maurya colony, Near Patligram,
P.S.- Alamganj, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. South Bihar Power Distribution Company Limited, Division/Code-
Guljarbag/AAE, Sub Division/Code Gaighat/ AAEB, Section/Code-
Gaighat/AAEBA, P.S.- Alamganj, District-Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Rina Sinha, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For OP No. 2	:	Mr. Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
counsel for South Bihar Power Distribution Company Limited.

The petitioner seeks pre-arrest bail in connection with
Alamganj P. S. Case No.628 of 2019 registered under Section
379 of the Indian Penal Code and Sections 135/138 of the
Electricity Act.

The allegation against the petitioner is that after spot
meter reading was conducted, the petitioner got the meter burnt
hurriedly.



It is contended by the learned counsel for the petitioner that it is not a case of theft of electricity. It is further contended that had there been any intention to cause theft of electricity, the petitioner would have burnt the meter even prior to its reading. The damage to the meter was caused because of its malfunctioning and not because of any act of the petitioner. She has further contended that the bona fide of the petitioner can also be tested from the fact that the meter reading was conducted on 22.08.2019 and the entire dues amount to the tune of Rs.54,890/- has been deposited by the petitioner immediately thereafter on 04.09.2019.

Learned counsel appearing for South Bihar Power Distribution Company Limited has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. However, he admits that the petitioner has already deposited the entire dues amount for which a receipt has already been granted by the Power Distribution Company, which has been brought on record by the petitioner as Annexure-2 to the present application.

Regard being had to the totality of the facts and circumstances of the case, in the event of arrest or surrender before the court below, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-



(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, PESU, Patna in Alamganj P. S. Case No.628 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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